



General Assembly

January Session, 2013

**Committee Bill No. 123**

LCO No. 3918



\* 0 3 9 1 8 S B 0 0 1 2 3 J U D \*

Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT REPEALING THE RISK REDUCTION CREDIT PROGRAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) Any person who earned risk  
2       reduction credit toward a reduction in such person's sentence under  
3       the provisions of section 18-98e of the general statutes, revision of 1958,  
4       revised to 2013, prior to the effective date of this section shall forfeit  
5       such credit, except that nothing in this section shall invalidate the  
6       release or parole release of an inmate pursuant to such credit that  
7       occurred prior to the effective date of this section.

8       Sec. 2. Section 18-100c of the general statutes is repealed and the  
9       following is substituted in lieu thereof (*Effective from passage*):

10       A person convicted of a crime who is incarcerated on or after July 1,  
11       1993, who received a definite sentence of two years or less, and who  
12       has been confined under such sentence for not less than one-half of the  
13       sentence imposed by the court, less such time as may have been earned  
14       under the provisions of section 18-7, 18-7a, 18-98a, 18-98b or 18-98d, [or  
15       less any risk reduction credit earned under the provisions of section  
16       18-98e,] may be released pursuant to subsection (e) of section 18-100 or

17 to any other community correction program approved by the  
18 Commissioner of Correction.

19 Sec. 3. Section 18-100d of the general statutes is repealed and the  
20 following is substituted in lieu thereof (*Effective from passage*):

21 Notwithstanding any other provision of the general statutes, any  
22 person convicted of a crime committed on or after October 1, 1994,  
23 shall be subject to supervision by personnel of the Department of  
24 Correction until the expiration of the maximum term or terms for  
25 which such person was sentenced, [less any risk reduction credit  
26 earned under the provisions of section 18-98e.]

27 Sec. 4. Section 54-125a of the general statutes is repealed and the  
28 following is substituted in lieu thereof (*Effective from passage*):

29 (a) A person convicted of one or more crimes who is incarcerated on  
30 or after October 1, 1990, who received a definite sentence or aggregate  
31 sentence of more than two years, and who has been confined under  
32 such sentence or sentences for not less than one-half of the aggregate  
33 sentence [less any risk reduction credit earned under the provisions of  
34 section 18-98e] or one-half of the most recent sentence imposed by the  
35 court, [less any risk reduction credit earned under the provisions of  
36 section 18-98e,] whichever is greater, may be allowed to go at large on  
37 parole in the discretion of the panel of the Board of Pardons and  
38 Paroles for the institution in which the person is confined, if (1) it  
39 appears from all available information, including any reports from the  
40 Commissioner of Correction that the panel may require, that there is  
41 reasonable probability that such inmate will live and remain at liberty  
42 without violating the law, and (2) such release is not incompatible with  
43 the welfare of society. At the discretion of the panel, and under the  
44 terms and conditions as may be prescribed by the panel including  
45 requiring the parolee to submit personal reports, the parolee shall be  
46 allowed to return to the parolee's home or to reside in a residential  
47 community center, or to go elsewhere. The parolee shall, while on  
48 parole, remain under the jurisdiction of the board until the expiration

49 of the maximum term or terms for which the parolee was sentenced,  
50 [less any risk reduction credit earned under the provisions of section  
51 18-98e.] Any parolee released on the condition that the parolee reside  
52 in a residential community center may be required to contribute to the  
53 cost incidental to such residence. Each order of parole shall fix the  
54 limits of the parolee's residence, which may be changed in the  
55 discretion of the board and the Commissioner of Correction. Within  
56 three weeks after the commitment of each person sentenced to more  
57 than two years, the state's attorney for the judicial district shall send to  
58 the Board of Pardons and Paroles the record, if any, of such person.

59 (b) (1) No person convicted of any of the following offenses, which  
60 was committed on or after July 1, 1981, shall be eligible for parole  
61 under subsection (a) of this section: (A) Capital felony, as provided  
62 under the provisions of section 53a-54b in effect prior to April 25, 2012,  
63 (B) murder with special circumstances, as provided under the  
64 provisions of section 53a-54b in effect on or after April 25, 2012, (C)  
65 felony murder, as provided in section 53a-54c, (D) arson murder, as  
66 provided in section 53a-54d, (E) murder, as provided in section 53a-  
67 54a, or (F) aggravated sexual assault in the first degree, as provided in  
68 section 53a-70a. (2) A person convicted of (A) a violation of section 53a-  
69 100aa or 53a-102, or (B) an offense, other than an offense specified in  
70 subdivision (1) of this subsection, where the underlying facts and  
71 circumstances of the offense involve the use, attempted use or  
72 threatened use of physical force against another person shall be  
73 ineligible for parole under subsection (a) of this section until such  
74 person has served not less than eighty-five per cent of the definite  
75 sentence imposed. [less any risk reduction credit earned under the  
76 provisions of section 18-98e.]

77 (c) The Board of Pardons and Paroles shall, not later than July 1,  
78 1996, adopt regulations in accordance with chapter 54 to ensure that a  
79 person convicted of an offense described in subdivision (2) of  
80 subsection (b) of this section is not released on parole until such person  
81 has served eighty-five per cent of the definite sentence imposed by the

82 court. [less any risk reduction credit earned under the provisions of  
83 section 18-98e.] Such regulations shall include guidelines and  
84 procedures for classifying a person as a violent offender that are not  
85 limited to a consideration of the elements of the offense or offenses for  
86 which such person was convicted.

87 (d) The Board of Pardons and Paroles shall hold a hearing to  
88 determine the suitability for parole release of any person whose  
89 eligibility for parole release is not subject to the provisions of  
90 subsection (b) of this section upon completion by such person of  
91 seventy-five per cent of such person's definite or aggregate sentence,  
92 [less any risk reduction credit earned under the provisions of section  
93 18-98e.] An employee of the board or, if deemed necessary by the  
94 chairperson, a panel of the board shall reassess the suitability for  
95 parole release of such person based on the following standards: (1)  
96 Whether there is reasonable probability that such person will live and  
97 remain at liberty without violating the law, and (2) whether the  
98 benefits to such person and society that would result from such  
99 person's release to community supervision substantially outweigh the  
100 benefits to such person and society that would result from such  
101 person's continued incarceration. After hearing, if the board  
102 determines that continued confinement is necessary, it shall articulate  
103 for the record the specific reasons why such person and the public  
104 would not benefit from such person serving a period of parole  
105 supervision while transitioning from incarceration to the community.  
106 The decision of the board under this subsection shall not be subject to  
107 appeal.

108 (e) The Board of Pardons and Paroles shall hold a hearing to  
109 determine the suitability for parole release of any person whose  
110 eligibility for parole release is subject to the provisions of subdivision  
111 (2) of subsection (b) of this section upon completion by such person of  
112 eighty-five per cent of such person's definite or aggregate sentence,  
113 [less any risk reduction credit earned under the provisions of section  
114 18-98e.] An employee of the board or, if deemed necessary by the

115 chairperson, a panel of the board shall assess the suitability for parole  
 116 release of such person based on the following standards: (1) Whether  
 117 there is reasonable probability that such person will live and remain at  
 118 liberty without violating the law, and (2) whether the benefits to such  
 119 person and society that would result from such person's release to  
 120 community supervision substantially outweigh the benefits to such  
 121 person and society that would result from such person's continued  
 122 incarceration. After hearing, if the board determines that continued  
 123 confinement is necessary, it shall articulate for the record the specific  
 124 reasons why such person and the public would not benefit from such  
 125 person serving a period of parole supervision while transitioning from  
 126 incarceration to the community. The decision of the board under this  
 127 subsection shall not be subject to appeal.

128 (f) Any person released on parole under this section shall remain in  
 129 the custody of the Commissioner of Correction and be subject to  
 130 supervision by personnel of the Department of Correction during such  
 131 person's period of parole.

132 Sec. 5. Section 18-98e of the general statutes is repealed. (*Effective*  
 133 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	18-100c
Sec. 3	<i>from passage</i>	18-100d
Sec. 4	<i>from passage</i>	54-125a
Sec. 5	<i>from passage</i>	Repealer section

**Statement of Purpose:**

To repeal the risk reduction credit program.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. MARKLEY, 16th Dist.; REP. ADINOLFI, 103rd Dist.

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